

Court Minutes:

Session: 2011Apr06
 Session Date: 04/06/2011
 Judge: Stanley, Mary E.
 Reporter: Harvey, Teresa

Clerk(s): Lair, Tabitha

US Attorney(s):
 King II, William B
 Ellis, Larry R.
 Wright, Philip H.

Public Defender(s):

Prob. Officer(s):

Court interpreter(s):

Division: Chas
 Session Time: 08:46

Courtroom: R5400

Case ID: 0002

Case number: 2:10-CV-01009
 Plaintiff: Reebrook III, William Edward
 Plaintiff Attorney:
 Defendant: USA
 CIA/Retained Atty:
 Co-Defendant(s):
 US Attorney:
 Public Defender:

04/06/2011

09:56:58

Recording Started:

09:56:58

Case called

09:57:06

General:
HEARING TYPE: WRIT HEARINGS
 Rebrook v USA 2:10-cv-1009 and Bryan v USA 2:10-cv-1196
 for pl Lonnie Simmons and Richard Neely
 for def - Larry Ellis and Phil Wright
 Court Reporter: Teresa Harvey

10:01:45

Judge: Stanley, Mary E.
 called case, noted appearances of counsel
 Judge discusses fact that she was former AUSA
 discuss matters that should be in the record
 discuss briefs filed by Bryan in 4th circuit

10:06:54

General:
 Mr. Neely responds
 Mr. Ellis responds

10:08:06

Judge: Stanley, Mary E.
 Rebrooks writ of cert?

10:08:59

General:
 Mr. Neely responds

10:09:16

Judge: Stanley, Mary E.
 discuss cross representation
 comments
 ready to go forward?

10:10:08

General:
 Mr. Simmons begins argument

10:24:30

Judge: Stanley, Mary E.
 discuss procedural default - factual innocence

10:25:07

General:
 Mr. Simmons continues

10:30:07

Judge: Stanley, Mary E.
 counsel can be of assistance to court with
 additional briefing
 believe coram nobis requires stricter standard
 of review than 2255

10:31:27

General:
 Mr. Simmons responds
 Mr. Ellis begins his argument

10:43:46

Judge: Stanley, Mary E.
 after O'Hagen, possible to reinstate conviction?

10:44:14

General:
 Mr. Ellis responds

10:45:06

Judge: Stanley, Mary E.
 goes over what Mr. Ellis has stated

General:

Mr. Ellis responds

10:46:35

Judge: Stanley, Mary E.

coram nobis higher standard of review?

10:46:47

General:

Mr. Ellis responds

10:49:00

Judge: Stanley, Mary E.

discuss additional language

10:51:28

General:

Mr. Ellis responds

10:53:01

Judge: Stanley, Mary E.

ready for discussion of evidence

10:53:08

General:

Mr. Neely begins argument

11:15:38

Mr. Ellis responds

11:21:56

Mr. Neely responds

11:22:57

Mr. Simmons responds

11:25:49

Mr. Neely oral motion to expedite

11:26:29

Judge: Stanley, Mary E.

response

11:26:59

comments on issues

11:33:18

General:

parties comment

11:33:53

Judge: Stanley, Mary E.

discuss briefing schedule

deadlines given

11:35:16

disuss another date for oral argument, if needed

11:35:29

(June 2 -10:00)

11:36:33

Stop recording